FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.58 OF 2006
IN
CRI. APPEAL NO.849 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.S.A.Ingawale for the Applicant.
Ms. M.M.Mhatre, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 27/1/2006.

P.C.

1. Heard.

2. This is an application for bail preferred by the four applicants who are original accused Nos. 2,3,32 and 33. There were in all 57 accused before the Trial Court. 30-persons were convicted. In an earlier bail application all the convicted accused except present four applicants were granted bail. As far as present four applicants are concerned the said application was not pressed at that stage. Fresh application is now made

annexing the entire evidence. Before dealing with the material against the present applicants, it may be stated that all the four applicants were already on bail in the Trial Court and there is no allegations of abuse of bail against them. As far as applicant Nos. 1 and 3 are concerned there is no overt act attributed to them and they were only present in the mob. As far as applicant No.2 Hari is concerned, he is said to have fired cartridge and 30 pellet injuries were said to have been found on the body of Dattatraya. However, in the cross examination doctor has admitted that the pellets were found embedded in the skin and that the pellets were never fatal. It appears to be the prosecution case that the gun was fired from a distance of over 150ft. and therefore, the injuries actually caused are only skin deep. So far as the applicant No.4 Uttam is concerned, he said to have given a stick blow on one of the injured by name Housabai causing hurt and fracture injury. The evidence of

the doctor indicates that x-ray plates of Housabai were not available and the corresponding external injury of fracture was not seen from the certificate and the case papers. Taking over all view of the matter, I feel that bail can be granted to the present applicants as the appeal has been admitted. It is therefore, directed that pending disposal of the appeal, the applicant may be released on bail in the sum of Rs.15,000/- each with one or two sureties each in the like amount to make up the said amount. During the pendency of the appeal the applicants shall report on the first Sunday of every month to Radhanagari Police Station, Kolhapur.

3. Application stands disposed of.

(R. S. MOHITE, J.)